

RICHARD J. DURBIN, ILLINOIS, CHAIR

PATRICK J. LEAHY, VERMONT
DIANNE FEINSTEIN, CALIFORNIA
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE K. HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
ALEX PADILLA, CALIFORNIA
JON OSSOFF, GEORGIA

CHARLES E. GRASSLEY, IOWA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JOSHUA D. HAWLEY, MISSOURI
TOM COTTON, ARKANSAS
JOHN KENNEDY, LOUISIANA
THOM TILLIS, NORTH CAROLINA
MARSHA BLACKBURN, TENNESSEE

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 28, 2021

The Honorable Lloyd J. Austin III
Secretary
Department of Defense
1000 Defense Pentagon
Washington D.C. 20301

Dear Secretary Austin:

Since April of 2019, I have sent three letters to the Department of Defense (Department) inquiring into the contracting process for the cloud computing program known as the Joint Enterprise Defense Infrastructure program (JEDI).¹ I have yet to receive fulsome responses to any of my letters. In response to my most recent letter dated January 1 of this year, I received a mere handful of documents—almost all of which I have received before, and most of which have been publicly available for some time.² According to information provided to my staff, the material I have received thus far represents only a fraction of the material the Department originally gathered in response to my requests. I am looking to you to correct this situation as soon as possible, particularly since the Department of Defense Office of Inspector General's (DoD OIG) administrative review of the procurement has left many questions unanswered.

Many have seized on DoD OIG's administrative review of the JEDI procurement process as proof that the Department, with the exception of particular individuals, did not commit any substantive wrongdoing.³ However, I have serious concerns about the review's narrow scope. DoD OIG did not examine key issues that occurred before the request for proposal (RFP) process, including allegations of pressure from senior leadership to conduct the entire contract without a competitive bidding process (also known as an Other Transactional Authority or OTA) as well as the apparently unusual and significant involvement of senior leadership throughout the entirety of

¹ Letter from Charles E. Grassley, Chairman, S. Comm. on Fin. & David Perdue, U.S. Sen., Armed Servs. Comm., to Christopher C. Miller, Acting Sec'y of Def., Dep't of Def. (Jan. 1, 2021); *see also* Letter from Charles E. Grassley, Chairman, S. Comm. on Fin., to Patrick M. Shanahan, Acting Sec'y of Def., Dep't of Def. (Apr. 9, 2019); Letter from Charles E. Grassley, Chairman, S. Comm. on Fin., to Mark Esper, Sec'y of Def., Dep't of Def. (Oct. 5, 2020).

² Letter from Charles E. Grassley, Chairman, S. Comm. on Fin. & David Perdue, U.S. Sen., Armed Servs. Comm., to Christopher C. Miller, Acting Sec'y of Def., Dep't of Def.

³ REPORT ON THE JOINT ENTERPRISE DEFENSE INFRASTRUCTURE (JEDI) CLOUD PROCUREMENT, INSPECTOR GEN. DEP'T OF DEF., REPORT NO. DODIG-2020-079 (Apr. 13, 2020).

the process.⁴ DoD OIG's review also reportedly failed to fully consider information submitted through the office's whistleblower hotline.⁵ I do not know to what extent these issues could have impacted the contract, but those are questions the review should have considered, investigated, and answered.

Further, I was advised that OIG worked in concert with the Department to withhold documents gathered in response my January 1, 2021 letter. Consequently, I also intend to write to Acting Inspector General Sean O'Donnell requesting additional detailed information regarding this review.

In an effort to provide continuing oversight of the JEDI program and the Department's contracting process generally, please provide unclassified versions of documents that were originally compiled in response to my letter regarding JEDI dated January 1, but have not been provided. Additionally, please also produce unclassified versions of the documents listed below. Please provide all documents not later than April 30, 2021.

1. A copy of all requests made by the OIG to the DOD in support of its JEDI administrative review;
2. A copy of all materials provided to the OIG regarding the JEDI administrative review;
3. A copy of all materials relating to OGE Forms 278 and 450, including, but not limited to email exchanges, and the ethics files and the forms themselves, for the following former DOD employees:
 - a. Deap Ubhi
 - b. Sally Donnelly
 - c. Anthony DeMartino
 - d. James Mattis
4. A copy of all emails written by Deap Ubhi, Sally Donnelly and Anthony DeMartino using the search terms: JEDI, JEDI procurement, OTA, Amazon, cloud, Jeff, Bezos, Marcuse, Lynch, Teresa, Carlson, tailored acquisition, AMZ, and Amazonian;

⁴ Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Glenn A. Fine, Acting Inspector Gen., Dep't of Def. (Mar. 5, 2020); *see also* Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Sean O'Donnell, Acting Inspector Gen., Dep't of Def. (May 1, 2020); *see also* Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Sean O'Donnell, Acting Inspector Gen., Dep't of Def. (Oct. 13, 2020); *see also* Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Charles E. Grassley, Chairman, S. Comm. on Fin. (Dec. 7, 2020).

⁵ Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Glenn A. Fine, Acting Inspector Gen., Dep't of Def. (Mar. 5, 2020); *see also* Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Sean O'Donnell, Acting Inspector Gen., Dep't of Def. (May 1, 2020); Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Sean O'Donnell, Acting Inspector Gen., Dep't of Def. (Oct. 13, 2020); Letter from Kenneth Glueck, Exec. Vice President, Oracle Corp., to Charles E. Grassley, Chairman, S. Comm. on Fin. (Dec. 7, 2020).

5. The date which the following individuals received and completed their ethics training at the DOD including any materials signed demonstrating completion of that training:
 - a. Deap Ubhi
 - b. Sally Donnelly
 - c. Anthony DeMartino

6. Any documents relating to the following individuals and whether or not they currently enjoy or are being considered for Special Government Employee Status by the DOD:
 - a. Deap Ubhi
 - b. Sally Donnelly
 - c. Anthony DeMartino

7. Please provide all documentation in the possession of the Department's Standards of Conduct Office (SOCO) referencing the below individuals including, but not limited to, those that demonstrate dates of meetings and training received, e-mail correspondence, ethical questions that were posed, and responses that were provided.
 - a. Deap Ubhi
 - b. Sally Donnelly
 - c. Anthony DeMartino

Thank you in advance for your attention and assistance in this important matter. Should you have any questions, please reach out to Danny Boatright on my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Chuck Grassley
Ranking Member
Senate Committee on the Judiciary

cc:

Sean O'Donnell
Acting Inspector General
Office of the Inspector General
Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500